



U.S. Department of Justice

United States Attorney  
Southern District of New York

The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

July 18, 2008

**BY FACSIMILE**

The Honorable Loretta A. Preska  
United States District Judge  
Southern District of New York  
Daniel Patrick Moynihan U.S. Courthouse  
500 Pearl Street, Room 1320  
New York, New York 10007

USDC SDNY  
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Re: United States v. Kevin Witcher,  
08 Cr. 28

Dear Judge Preska:

After the last conference before Your Honor in this matter, defense counsel submitted a letter to the Government requesting a deferred prosecution for the above-referenced defendant. After considering defendant's request, the Government believes that such a disposition may be appropriate in this case. However, before such an agreement can be signed, pretrial services, who will continue to supervise the defendant during the deferred prosecution period, must conduct its own review of this case.

① The Government therefore respectfully requests a conference before Your Honor on August 20, 2008, at 10:00 a.m., where it is expected that pretrial services will have completed their review of this case and the defendant will sign a deferred prosecution agreement. The Government also respectfully requests, with defense counsel's consent, to exclude time under the Speedy Trial Act from today's date until August 20, 2008, pursuant to 18 U.S.C. § 3161(h)(8)(A), to allow pretrial services enough time to conduct this review, and so that defense counsel can review the

② Such exclusion is in the interests of justice.

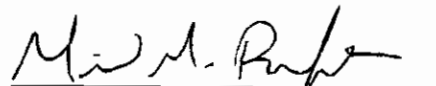
So ordered  
Loretta A. Preska  
USDOJ  
July 18, 2008

deferred prosecution agreement and prepare for the conference  
before Your Honor.

Respectfully submitted,

MICHAEL J. GARCIA  
United States Attorney

By:



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